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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

[Entitlement to Travel and Transportation Expenses]

FILE: B-198950

DATE: July 18, 1980

MATTER OF: Esther O. Kaloa - Travel and transportation of manpower shortage appointee to first duty station

DIGEST:

1. Even though employee's position was not placed in manpower shortage category prior to her appointment, she may be paid travel expenses to first duty station, where she executes written agreement to remain in Government service for 12 months after her appointment; and Office of Personnel Management places position in shortage category subsequent to the appointment, and advises that its determination of shortage covered period of travel.
2. Where traveler whose transportation is reimbursable by Department of the Interior is unaware of regulations which generally preclude use of travel agents, and which require use of a Government Transportation Request for travel exceeding \$100, purchases airline tickets exceeding the \$100 cash limitation from travel agency with personal funds, GAO will allow reimbursement for the cash purchase in amount not exceeding cost of transportation if transportation had been purchased directly from carrier.
3. Manpower shortage appointee, recruited in Alaska for position in Washington, D.C., her first duty station, is entitled to reimbursement of transportation costs for shipping household goods on actual expense basis and without limitation based on Government's cost

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if shipment had been by Government bill of lading, where Interior official apparently left arrangements with carrier to appointee.

A certifying officer of the Department of the Interior (Interior) requests our opinion as to Ms. Esther O. Kaloa's entitlement to travel and transportation expenses incurred in connection with her travel from Alaska to a first post of duty in Washington, D.C., as Special Assistant (Alaska Programs) to the Assistant Secretary for Indian Affairs. Ms. Kaloa's travel voucher was returned unpaid with four questions concerning the propriety of payment. For the reasons stated below, we believe Ms. Kaloa is entitled to reimbursement for her travel and transportation.

First, Interior asks whether a manpower shortage determination by the Office of Personnel Management (OPM) may be applied retroactively to cover the travel and transportation to Washington, D.C., incurred prior to the OPM determination. In an interview prior to her appointment on December 30, 1979, Ms. Kaloa was informed by the Assistant Secretary that her travel and transportation expenses to her first duty station in Washington, D.C., would be paid by Interior if she accepted the appointment. Ms. Kaloa performed the travel December 30, 1979.

The record indicates that Ms. Kaloa was a new appointee to a manpower shortage category position and thus entitled to travel and transportation expenses under 5 U.S.C. 5723 (1976) to the extent they were properly authorized or approved by the agency. B-186260, July 12, 1976. Generally, an employee's right to travel allowances are authorized in writing in advance and become fixed as to specific entitlements authorized. See 54 Comp. Gen. 638 (1975). Here, the travel took place December 30, 1979, and the manpower shortage determination was not issued by OPM until January 31, 1980.

This Office has previously determined that even though an employee's position was not placed in a manpower shortage category prior to his appointment, the employee may be paid travel and transportation expenses to a first duty station, if he or she executes a written agreement to remain in

Government service for 12 months after appointment. In those cases, OPM placed the position in the shortage category subsequent to the appointment, however, it was determined that OPM would have placed the employee's position in the shortage category classification prior to the appointment if the agency had made a timely request. B-180258, January 14, 1974; B-172118, May 25, 1971; B-161599, June 29, 1967.

Here, we have been informally advised by OPM that although the determination-of-shortage letter dated January 30, 1980, does not explicitly so state, the determination of a shortage was applicable to the period during which the travel to Washington, D.C., was performed. Since a written employee-employer agreement has been executed and the delay in requesting and receiving the manpower shortage determination was not excessive (only about 1 month after the employee reported for duty) or the fault of the employee, this Office would offer no objection to the payment of the travel and transportation expenses as authorized by 5 U.S.C. 5723.

Since we have determined Ms. Kaloa is entitled to reimbursement for her travel expenses, we now consider the other questions raised by Interior concerning the specific expenses incurred.

Interior asks us to determine the propriety of paying for Ms. Kaloa's airline ticket for her coach fare since it was purchased from a travel agent in violation of the prohibition against use of travel agents to procure official Government travel. 4 C.F.R. 52.3 (1980).

In a similar situation, where a traveler whose transportation was reimbursable by Interior, was unaware of the regulation precluding use of travel agents, and purchased an airline ticket from a travel agent with personal funds, we allowed reimbursement in an amount not exceeding the cost of the transportation had the tickets been purchased directly from the carrier. B-198301, May 1, 1980, 59 Comp. Gen. _____ (copy enclosed). Thus, we will not object to payment for the ticket consistent with that holding.

Interior also questions whether Ms. Kaloa's use of cash in excess of \$100 to purchase her ticket instead of

a Government Transportation Request (GTR) in violation of 41 C.F.R. 101-41.203.2 (1979) is a proper basis for disallowing payment for the tickets. This regulation requires use of a GTR to procure passenger transportation services in excess of \$100 unless exempted in writing by the General Services Administration.

Ordinarily agencies must require employees to use a GTR for common carrier passenger transportation costing over \$100, in which case the Government buys the ticket and no reimbursement or receipt is required. See FTR para. 1-10.2, 1-11.3, as revised by FPMR Temp. Reg. A-11, Supp. 4, May 25, 1978, 41 C.F.R. 101-41.203-2 (1979). However, we have allowed reimbursement for a ticket exceeding the \$100 limitation purchased with personal funds absent a GTR, provided a receipt, passenger coupon or other appropriate evidence is submitted to prove that the amount claimed was actually paid. B-195218(1), October 3, 1979. See also FTR paragraph 1-11.5c(3) which provides that such evidence be submitted with the travel voucher.

Furthermore, we have held that an employee who through his own negligence failed to use a GTR that had been issued to him and instead purchased a ticket with personal funds incident to properly authorized official travel could be reimbursed the cost of the ticket. B-168260, November 14, 1969, see also 34 Comp. Gen. 639 (1955).

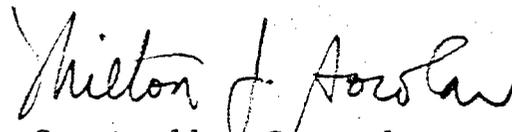
Ms. Kaloa's failure to use a GTR was inadvertent and related to circumstances not within her control. She was advised apparently to make her own arrangements for travel, and no GTR was issued. Since we have determined that Ms. Kaloa's travel expenses are reimbursable, if her travel voucher is otherwise proper, we have no objection to reimbursement of the cost of the airline ticket for coach fare paid for with personal funds.

With regard to the shipment of Ms. Kaloa's household effects, Interior questions the failure to use a Government bill of lading (GBL). Paragraph 2-1.5f(3) of FTR provides that transportation allowances payable to manpower shortage appointees for shipment of household goods to their first official duty stations are

governed by FTR para. 2-8. Paragraph 2-8.4 of FTR provides that costs for transportation of household goods from a point outside the conterminous United States--in this case, Alaska--are allowable only on an actual expense basis. Paragraph 2-8.4c(1) provides in pertinent part that: "Actual expense includes costs of transportation of household goods, packing and crating * * * unpacking, and other necessary accessorial charges within applicable limits." The regulations (FTR para. 2-8.4d(2)) provide that shipments on an actual expense basis should be made on GBLs "whenever possible," but if the employee selects and retains a commercial carrier himself, reimbursement is made for transportation expenses actually and necessarily incurred within applicable limitations, not in excess of the charges that would have been incurred if the employee used the means of transportation selected by the Government. (FTR para. 2-8.4e)

Since in this case it appears that Ms. Kaloa was advised apparently by the Assistant Secretary to select and arrange for a commercial carrier and that she would be reimbursed by the Government, it appears that shipment by GTR was not considered possible or feasible. The Government in effect selected the means used by Ms. Kaloa by instructing her to arrange her relocation to Washington, D.C. Therefore, the amounts actually paid for transportation of the household goods are reimbursable, if otherwise correct, and within the limitations prescribed in the FTRs. FTR para. 2-8.4d(2) (1976). B-183053, March 12, 1975; see also under OMB Circular No. A-56, containing identical language to superseding FTRs and B-187947, March 17, 1977; B-181991, April 8, 1975; B-175984, February 12, 1973.

The travel voucher is therefore payable in accordance with this decision.



For the Comptroller General
of the United States

Enclosure